REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

In section 2 of the present Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. §112, second paragraph, stating that there is unsufficient antecedent basis for "said file cabinet" and "said cabinet" in claim 1. Applicant has amended claim 1 accordingly.

In section 4, the Examiner rejected claims 1-4, 6, 7, 11, 12, and 15 under 35 U.S.C. §103(a) as being unpatentable over Petersen et al. ("Petersen") in view of McNew. The Examiner states that Petersen discloses a cabinet seat support comprising a base and upstanding sidewalls forming an enclosure and a drawer (4). The rejection is traversed.

Petersen does not describe a cabinet in the sense of an enclosure that is closed on all sides as is described and claimed in the present invention. Petersen discloses a storage device (4) that is essentially a platform on tracks that is connected to the cab floor and that is provided to afford easy loading of a container that is located under the typically difficult to access leg room area of a vehicle (col. 1, lines 3-22). The present invention is a true enclosure closed on all sides as a result of the connectedness of the various components, including the drawer, that form the cabinet.

The remainder of the description is easily understood even without the benefit of a translation from German, although Applicant has obtained an English translation (attached) and notes that the remainder of the description is consistent with describing and claiming a sliding platform that is disposable under a seat console. Specifically, element (5) is not a small compartment for holding objects, but cases (e.g., suit cases) that may be placed on the platform (col. 2, lines 30-35). The specification of Peterson does not disclose that the sliding platform is attached to the upstanding walls, but rather to the cab floor. Applicant respectfully disagrees that connecting the sliding platform to the cab floor in Peterson is analogous to connecting a drawer to the walls(s) as is done in the present invention. In the present invention, the drawer is connected to the wall(s) in such a way that there is no indirect, attenuated connection via a separate, independent structure, such as the cab floor of Peterson.

Thus, as previously stated, the Petersen figures show a sliding platform "storage device" mechanism that Petersen does not characterize as a drawer and which does not form a part of the seating console/seat support (3) (in addition to Figures, see col. 2, lines 5-11). Petersen is also further

explained below. The platform "storage device" (4) is attachable to the floor of the cab, but is not attached to seat support (3) so as to allow the placement thereon of various items, including optional container (5) without having to reach under the seat. Container (5) is loadable onto, and sits on, "storage device" (4) (see col. 2, lines 17-20 and 25-29). Fig. 5 more clearly shows that "storage device" (4) comprises a carrier frame (4c) onto which container (5) can be loaded (see also, col. 2, lines 30-35). Finally, other types of items may be placed on "storage device" (4) including coolers (see column 2, lines 36-42). Therefore, Petersen does not describe a cabinet or a cabinet with a drawer, but rather a sliding storage platform for easy loading under a seat (and particularly a conventional seat support). Petersen discloses a device that makes stowing bulky items under a seat (such as coolers, baggage, etc.) easier. Therefore, Peterson teaches away from the present invention.

The present invention as recited in claim 1 is a cabinet with a drawer and the cabinet serving as a seat support. Claim 1 has been amended to clarify that the elements of the cabinet, including the drawer, form an enclosure within which items may be securely stowed. The prior art, particularly Peterson, do not describe such an apparatus for use under a front seat. The importance of being a securable enclosure is underscored by the dependent claims wherein a locking mechanism is recited and wherein an on/off signal is used to secure the enclosure while the vehicle is moving. This feature is important for safety as the drawer cannot be opened when it is unsafe to do so.

McNew does not cure the deficiencies of Peterson et al. McNew is an extremely large filing cabinet located between seats and not underneath the cab seats. McNew never contemplates disposing the filing cabinet underneath or supporting a seat, and it in fact teaches away from such use (col. 1, lines 60-65, it "functions . . . as a desk writing surface").

Therefore, claim 1 is patentable. Claims 2-4, 6, 7, 11, 12, and 15 are dependent on claim 1 and so are also patentable.

In section 5 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Petersen in view of McNew and further in view of Pearse et al. ("Pearse"). That rejection is traversed. Claim 5 recites a compartment on a door face of the drawer. Petersen does not describe a drawer with a door. The figures and description of Petersen describes separate containers that may be disposed on the platform of Petersen (e.g., Fig. 5 of Peterson shows a brief case-like

container placed on the platform). Therefore, there is no drawer in Petersen to combine with McNew and Pearse. McNew, as discussed above, is a filing cabinet separate from any seat. Furthermore, Pearse shows a compartment on compartment door interior face 70, not on an "outer door face of [a] drawer", as claimed. Therefore, claim 5 is patentable.

In section 6 of the Office Action, the Examiner rejected claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Petersen in view of McNew and further in view of Hofmann et al. That rejection is traversed. Hofmann et al. does not cure the deficiencies noted above, showing an underseat drawer system that cannot be accessed without exiting the vehicle, again teaching away from the present invention.

In section 7 of the Office Action, the Examiner rejected claims 12, 13, 14, and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Petersen in view of McNew and further in view of Carico. That rejection is traversed.

Carico does not cure the deficiencies noted above. Further, the Examiner does not discuss what vehicle conditions cause operation of a lock in Carico. The present invention includes a container or cabinet with a locking mechanism that is in communication with a vehicle component (not a driver or passenger) that communicates an on and/or off signal. The locking mechanism is not simply operable in response to vehicle conditions, but specifically to a vehicle component communicating an on/off signal. This feature is further limited (and exemplified) in the claims wherein such a vehicle component is of the air brake system of a large truck. Such air brakes can be in communication with the locking mechanism as described in the specification so that when the driver sets the brakes, only then can the drawer be opened. Carico does not provide any such signaling component. Furthermore, Carico relates to a drawer whose face is outside the vehicle, not inside the vehicle as in the present invention. Again, the drawer cannot be accessed without exiting the vehicle, teaching away from the present invention.

New dependent claim is added to better define the scope of the invention. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

In view of the above remarks, it is respectfully submitted that all grounds of rejection and objection have been traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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Translation (partial) of Petersen et al. (DE 199 47 177 A1)

Description

Column 1, para. 1:

The invention refers to an automobile according to claim 1.

In a vehicle of the known kind a vehicle seat features a storage device located underneath the seat, which can be pulled out in front of the seat in the leg room area. This storage device has guidance tracks which are fastened underneath (the underside) the seat component and whose guidance tracks extend in the direction of the length of the seat, in which (the guidance tracks) a container is held and moved in the same manner as a drawer. Loading a container which is pulled out and located in the leg room area is complicated because the leg room area in vehicles is not easily accessible from the outside of the vehicle.

Column 1, para. 2:

The purpose of the invention is to improve the operation and accessibility of the storage device.

The solution of the problem lies in the characteristics of claim 1.

The preferred embodiments of the invention are offered in the dependent claims.

When the storage device in a further preferred embodiment is pulled in the middle of the vehicle, it can be used when the vehicle is in motion. With seats located next to each other but with clearance, the free space between the vehicles can be utilized alternatively by the storage device. In particular, vehicles with a seat positioned high on the console are advantageous for use of a storage device with ample room inside the console.

Usage of telescopic tracks for moving the storage device within the available storage area next to the seat, for example, to interchange containers, eliminates expenditure of energy and makes the interchange easier. Various containers can be utilized in connection with the storage device. If the storage device has an electric connection, the commodity to be stored can be kept cool or electrical communication devices can be kept operational.

Column 2, line 2 to 3:

In the drawings the same parts are annotated with the same reference symbols, which if necessary differ by the use of "high lines?"

Line 5 to 11:

A vehicle seat showing a seat part (1) and a back of a seat (2) attached thereto. The vehicle seat sits on a seat console (3), which is constructed onto the floor of the vehicle (6). Inside the seat console (3), a storage device (4) with telescopic moveable guidance tracks (4a) for holding a container (5) is placed and affixed to the floor of the vehicle.

Line 11 to 16:

The guidance tracks (4) run diagonally to the driving direction. When pulled out, they can extend outside of the vehicle, so that the storage device (4) can be loaded comfortably by a person standing outside the vehicle, as shown in Fig. 1.

Line 17 to 20:

The container sits securely on the guidance tracks (4), even when the container (5) is located on the side of the seat (1). Therefore, it can be easily manipulated by a person seated in the vehicle seat.

Line 21 to 25:

The container (5) is stored underneath the seat by the diagonal movement and via the guidance tracks (4a) as shown in Fig. 3. The seat console features electrical connections (4b), onto which the container (5) automatically docks when an electrical power supply is needed.

Line 25 to 29:

During movement of the vehicle the container (5) becomes accessible when pushed in the middle of the vehicle. The storage device (4) can also be loaded and unloaded in this position as shown in Fig. 4.

Line 30 to 35:

As shown in Fig. 5, the storage device (4) features a carrier frame (4c) onto which a container (5) can be placed. The carrier frame (4c) is held by the telescopically designed guidance tracks (4a). For example, a container (5), constructed as a storage case, can be placed onto the carrier frames (4c).

Line 36 to 42:

It is also possible to place two containers (5) designed as coolers/refrigerators onto a combined carrier frame (4c) of a second embodiment of the storage device (4), whereby the

carrier frame (4c) for each container (5) has electrical connections, through which the coolers/refrigerators can be supplied. This type of power supply is shown in Fig. 8.

Line 42 to 45:

Each container (5) features a current bar (5a) sunk into the floor on their bottom side which makes contact with a current carrying contact pin when the cooler/refrigerator is placed onto the carrying frame (4c).

Line 46 to 48:

The contact pin (4f) is stored inside a blade of the carrying frame (4c) and is pressed against the current bar by a spring (5a).

Line 49 to 55:

The storage device of a third embodiment has a carrying frame (9c) which features electric leading? contact areas (4d) on its traverse directed leading blades for the power supply of communication devices. ???? The current carrying blades of the carrying frame (4c) are connected with each other by insulated blades.

Line 55 to 60:

The electrical current is supplied from a connection/adaptor (4b) ...

Claim 1

vehicle, in particular van/truck, with a vehicle seat (1,2) underneath which is a moveable and guided storage device (3, 4'; 4"), used for loading, at least partially, is outside the vertical projection area of the seat (1) and is so identified by the storage device which is fastened diagonally to the direction of travel and sideways extendable outside the vehicle.